

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

AMF BOWLING CENTERS, INC., *et al.*)
Plaintiffs,)
v.) Civil Action No. 3:23cv448
THOMAS TANASE)
Defendant.)

)

MEMORANDUM IN SUPPORT OF MOTION TO WITHDRAW

The law firm of Nealon & Associates, P.C. and its attorneys (“NAPC”), by and through undersigned counsel, in support of its Motion for leave to withdraw as counsel for Defendant Thomas Tanase in the above-captioned action states as follows:

1. In accordance with Local Rule 83.1(G), NAPC has moved this Court to withdraw as Counsel for Defendant Thomas Tanase.
2. During the course of representing Defendant Thomas Tanase a situation arose which compels NAPC to withdraw as Counsel for Defendant Thomas Tanase with immediate effect. In order to adhere to the obligations, set forth in the Virginia Rules of Professional Conduct, as well as its duty to this Court, NAPC cannot continue to represent Defendant Thomas Tanase, including at the deposition scheduled for February 27, 2024.
3. NAPC recognizes and is mindful of the prejudice that would occur to Defendant Thomas Tanase if he was unrepresented at his deposition, as well as the potential inconvenience and impact on Plaintiff if the deposition was continued. However, because of the concerns outlined

above, NAPC believes that it is required to withdraw and to do so prior to the deposition. NAPC does not undertake withdrawing as counsel lightly.

4. NAPC promptly notified Plaintiff's Counsel that NAPC was compelled to withdraw as Counsel for Defendant Thomas Tanase. NAPC and Plaintiff's Counsel communicated on several occasions over the weekend, and again today after the initial call to chambers on this matter. Given the limited timeframe from when the issue necessitating that NAPC withdraw arose and the deposition, NAPC gave Plaintiff's Counsel as much notice as was possible.

5. Yesterday afternoon, Defendant Thomas Tanase informed NAPC that he had retained replacement counsel. In response, NAPC emailed Defendant Thomas Tanase and replacement counsel yesterday afternoon and again after the initial phone call with Judge's Chambers. NAPC has not received any response from replacement counsel and therefore NAPC has not confirmed if replacement counsel has actually been retained or if Defendant Thomas Tanase is still in the process of formally retaining replacement counsel. Plaintiff's Counsel has been advised of the above.

5. As evidence by his signature on the proposed order, Defendant Thomas Tanase has not only consented to the NAPC withdrawing as his counsel, but also indicated that he does not oppose extending the deadlines in the Scheduling Order to correspond with any delay in his deposition. Such an extension should not cause any delay in the trial date.

6. Granting the Motion to Withdraw and continuing the scheduled deposition, while setting this matter for a status conference, in 7-10 days, should allow replacement counsel sufficient time to address with the Court any changes to the Scheduling Order that may be required.

WHEREFORE it is respectfully requested that this Motion be GRANTED and that NEALON & ASSOCIATES, P.C. and its attorneys Jay Ian Igiel, Esq. and Robert B. Nealon, Esq, be granted leave to withdraw and that said withdrawal as counsel for the Defendant Thomas Tanase be effective upon the entry of this Order, and for any and all such other relief as is in the interests of justice, including continuing the deposition of Defendant Thomas Tanase until such time as replacement counsel is able to properly represent Defendant Thomas Tanase. Defendant does not object to a corresponding continuation of deadlines previously set by the Scheduling Order in this matter.

Respectfully Submitted

Dated: February 26, 2024

/s/

Jay Ian Igiel, Esq. (VSB#65576)
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Withdrawing Counsel For Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 26th Day of February, 2024 a copy of the foregoing will be electronically filed with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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I hereby certify that on this 26th day of February 2024, a true and correct copy of the foregoing was emailed to the following:

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/s/
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